

DENTAL BOARD

FINDING OF EMERGENCY

Application for Dental Licensure by Residency Program

Amend California Code of Regulations §§ 1021, 1028, and addition of §§ 1028.1, 1028.2, 1028.3, 1028.4 and 1028.5 of Title 16 California Code of Regulations in response to provisions of SB 683 (ch. 805, Stats. 2006)

The Dental Board of California (Board) hereby finds that adoption on an emergency basis of regulations concerning the application and examination process for individuals seeking dental licensure in California is necessary. The Board specifically finds these emergency regulations are necessary for the immediate preservation of the public health and safety, and general welfare of the citizens of California.

Specific Facts Showing the Need for Immediate Action

On September 30, 2006, Senate Bill 683 (ch. 805, Stats. 2006) was passed into law. SB 683 established new provisions for licensure for the practice of dentistry in California.

Prior to the enactment of this legislation, candidates applied for dental licensure either through examination with an “Application for Examination for Licensure to Practice Dentistry” or “Application for Licensure to Practice Dentistry (WREB)”, or through the Licensure by Credential program that allows for licensure based upon a dental license issued by another state and a statutorily specified number of hours of clinical experience.

This legislation allows dental licensure to applicants who have (1) graduated from a dental school approved by the Dental Board or by the Commission on Dental Accreditation of the American Dental Association (ADA), and (2) completed a minimum of 12-months in either a general practice residency program or advanced education in general dentistry program. The programs must also be approved by the ADA’s Committee on Dental Accreditation or a national accrediting body approved by the Dental Board. The bill stated that a clinical residency completion certification must be provided by an applicant qualifying for licensure by this method to evaluate that the applicant is competent to practice dentistry in California, and required that the Dental Board work together with the Department of Consumer Affairs’ Office of Examination Resources (OER) to “ensure the alignment of the competencies stated in the clinical residency program completion certification with the board’s current occupational analysis.”

As soon as SB 683 was signed into law on September 30, 2006, the Board began working with the Office of Examination Resources to provide a report as required by the bill. After meeting several times with staff from OER, OER determined that it did not have

anyone on its staff that was qualified to provide such a report. OER prepared a release so that the Board could seek an outside entity to prepare the report. As soon as the Board learned that OER was going to sign a release, it began the process of securing a contract by way of utilization of the California Master Licensing List. This was determined to be the most expeditious path to securing such a contract. As soon as the contract was in place, Board staff met with the contractor to discuss the perimeters of the project and the importance of completing a report in as timely a manner as possible without jeopardizing the quality of the final product.

The report was completed on November 1, 2007, and the proposed regulations approved by the Board members at its meeting on November 16, 2007. The Board was able to obtain the Board members approval so quickly after completion of the report because Board staff had drafted proposed regulations in December of 2006 so that it would then only have to “plug in” the core competencies once the report was completed. The Board completed these regulations in as short amount of time as possible considering the steps that needed to be completed.

SB 683 states, in part, “The board shall implement use of the clinical residency program completion certification form and use of the core competency list through the adoption of emergency regulations by January 1, 2008.” The Legislature is aware of the serious shortage of dental care providers in California. Immediate action is required not only by Legislative mandate, but by the fact that California consumers will be denied dental services that could be provided by new licentiates who meet the qualifications of the statute, if they were able to obtain their licenses.

The attached proposed emergency regulations are therefore necessary for the health and safety, and general welfare provisions as required by Section 11346.1 of the California Government Code.

California currently only has an active licensure population of approximately 32,728 dentists, with an estimated statewide population of 36,457,549 (U.S. census Bureau) for the year 2006. This is an active ratio of over 1,100 citizens per single dentist. This population figure does not include those individuals who are residing in California but are not registered as citizens. The Board believes this situation will result in a restriction of access to care and thus a health and safety and welfare issue.

This will also impose a hardship on applicants who have completed all lawful requirements for licensure and are unable to obtain a license to practice dentistry because there are no regulations in place. Many of them are students with large student loans, and if they are unable to obtain their dental license they will have no way to make their living and repay their loans. Some California dental residency students may choose to move to other states rather than waiting for regulations in the ordinary course. These qualified dentists would provide greater access to dental care for the consumers of California.

Upon passage of this legislation, and in anticipation of this problem, the Board has prepared implementing regulations for Emergency regulatory action.

Authority and Reference:

Authority: Sections 1614, 1632, 1724 and 1724.5, Business and Professions Code.

Reference: Sections 1614, 1628, 1628.5, 1632, 1646.6, 1647.15, 1715, 1716.1, 1718.3, 1724 and 1724.5, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law authorizes the board to regulate the issuance of dental licenses and specifies the requirements for licensure. These regulations will amend current regulations to allow the Board to issue a dental license to applicants who have completed specified national examination requirements and the California law and ethics exam, meet certain education requirements, and have completed a clinically based advanced education program in general dentistry or an advanced educational program in general practice residency. The bill specified that satisfactory evidence of completion of the required program be certified on a certification of clinical residency program completion form approved by the board. This bill was passed by the Legislature and signed on September 30, 2006, making it effective on January 1, 2007. The bill required that the board work together with the Department of Consumer Affairs' Office of Examination Resources (OER) to ensure that the competencies contained in the certification of clinical residency program completion form are aligned with the board's current occupational analysis. The OER and the board completed this work on November 1, 2007. This has resulted in a need for emergency regulations to fully implement SB 683 to allow application, collection of fees, and establish the processes necessary to allow applicants to submit their statutory requirements and thereby be issued a California dental license. The bill included a provision that emergency regulations be adopted by January 1, 2008.

Statutory Requirement

Senate Bill 683, (Chapter 805 in the 2006 Legislative Session), effective January 1, 2007, authorizes the Board to issue a California dental license to an applicant who qualifies through completion of a clinically based advanced education program in general dentistry or an advanced educational program in general practice residency. The bill mandates that the board implement the use of the clinical residency program completion certification form and use of the core competency list through the adoption of emergency regulations by January 1, 2008.

The proposed regulations are necessary to implement the statutory mandate, and to enable qualified individuals to apply for a California dental license.

FISCAL IMPACT STATEMENTS

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None

Mandate on Local Agencies or Schools:

No local mandates or reimbursements are required as a result of the regulations.

Business Impact:

The board has determined that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Dental Board of California has determined that this regulatory proposal may have an impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. Applicants who have met the regulatory requirements may seek California dental licensure and open new dental practices within the state. These dental practices will employ registered dental hygienists, registered dental assistants, dental assistants, receptionists and office managers. These dental practices will require the services of dental laboratories, who may hire additional personnel to meet the needs of these new dental practices.

Cost Impact on Representative Private Person or Business:

The board has determined that there would be no cost impact to a dental practice, as this type of business would not incur an applicant's expenses prior to licensure. An applicant seeking licensure through completion of a clinically based advanced education program in general dentistry or an advanced educational program in general practice residency would pay the same application fee as any other applicant who qualifies by successful completion of a clinical exam. (See Attachment I).

Effects on Housing Costs: none

Cost Estimate:

The Dental Board has determined that the regulation will involve no measurable costs or savings to any State agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.